

Election

In response, Applicants elect Group I without traverse of the Restriction Requirement, but with traverse of the election of species.

At page 4, paragraph 8, the Restriction Requirement asserts the elected claims are directed to the following patentably distinct species:

- a) a poly(ethylene oxide) copolymer, and
- b) a poly(ethylene oxide-co-propylene oxide) copolymer.

One skilled in the art would appreciate that a poly(ethylene oxide) copolymers are generic to poly(ethylene oxide-co-propylene oxide) copolymers. In the first case, ("a"), poly(ethylene oxide) copolymers comprise ethylene oxide (-CH₂CH₂-O-) monomer units and at least one other alkylene oxide monomer unit. In the second case "b", the second alkylene oxide monomer unit is limited to propylene oxide monomer units.

Applicants request withdrawal of the species election, but provisionally elect "a"; the poly(ethylene oxide) copolymers. All claims are generic to the election. Applicants wish to note that claim 8 recites "(co)polymer" not "copolymer". The use of the term "(co)polymer" is used to indicate that the materials may be homo- or co-polymers.

At page 5, paragraph 9, the Restriction Requirement further asserts the elected claims are directed to the following patentably distinct species:

- a) the oligomer of claim 14, and
- b) the oligomer of claim 16.

Applicants request withdrawal of the species election, but provisionally elect "a"; the oligomer of claim 14.

Claim 1 requires the combination of two oligomers that each have pendent functional groups that are mutually co-reactive; i.e. the pendent reactive functional group of the first component oligomer with the pendent functional groups of the second component oligomer by a nucleophilic-electrophilic condensation reaction. Claim 14 is directed to the first component oligomer, while claim 16 is directed to the second component oligomer. All claims are generic to the elected species.

Reconsideration and withdrawal or modification of the species election requirement is respectfully requested.

Conclusion

Applicants have elected Group I, and have provisional elected species "a" of paragraph 8, and species "a" of paragraph 9 of the Restriction Requirement. Continued prosecution of this application is respectfully requested. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723.

Respectfully submitted,

Date

April 25/00?

By:


Kent S. Kokko, Reg. No.: 33,931
Telephone No.: 651-733-3597

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833